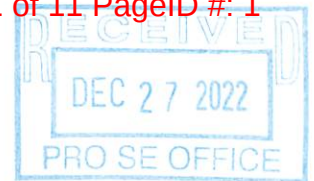


ORIGINAL



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Dharmvir Gehlaut

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

New York City Department of Education; Kelly
Johnson, former Principal of The Baccalaureate
School of Global Education

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for Employment
Discrimination**

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

CV 22 - 7862
DONNELLY, J.
BLOOM, M.J.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Dharmvir Gehlaut</u>
Street Address	<u>103-65 104th Street, 1st Floor</u>
City and County	<u>Ozone Park, Queens County</u>
State and Zip Code	<u>NY 11417</u>
Telephone Number	<u>(917) 843-5898</u>
E-mail Address	<u>Gehlautdh@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>New York City Department of Education</u>
Job or Title (if known)	<u>c/o Corporation Counsel of the City of New York</u>
Street Address	<u>100 Church Street - Basement</u>
City and County	<u>New York, New York County</u>
State and Zip Code	<u>NY 10007</u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name	<u>Kelly Johnson,</u>
Job or Title (if known)	<u>former Principal of the Baccalaureate School of Global Education</u>
Street Address	<u>1058 Wright Street</u>
City and County	<u>Valley Stream, NY 11580</u>
	<u></u>
	<u></u>

State and Zip Code _____
 Telephone Number _____
 E-mail Address _____
 (if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name	The Baccalaureate School of Global Education Q-580
Street Address	34-12 36th Avenue
City and County	Astoria, Queens County
State and Zip Code	New York 11106
Telephone Number	(718) 361-5275

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law (*specify the federal law*):

☒ Relevant state law (*specify, if known*):
New York State Human Rights Law

☒ Relevant city or county law (*specify, if known*):
New York City Human Rights Law

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts (*specify*): Brought 3020-a charges against me/ reassigned me from my teaching duties.

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

C. I believe that defendant(s) (*check one*):

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race Indian
- ☐ color _____
- ☐ gender/sex _____
- ☒ religion Hindu
- ☒ national origin Indian
- ☐ age. My year of birth is _____. *(Give your year of birth only if you are asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)*

E. The facts of my case are as follows. Attach additional pages if needed.

Please see attached addendum.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

April 13, 2022

- B. The Equal Employment Opportunity Commission *(check one)*:

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on *(date)*
December 2, 2022

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

- ☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Emotional distress damages, back pay, to be reassigned to my teaching duties, an end to
the harassment and discrimination.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Dec. 20, 2022 ^{27, 2022}

Signature of Plaintiff

Printed Name of Plaintiff

DHARMVIR GEHLAUT

FEDERAL COMPLAINT ADDENDUM FOR DHARMVIR GEHLAUT @ 12/19/22

1. I am of Indian national origin and Hindu religion (Jat caste).
2. I started in the NYC DOE as a math teacher in September 2005, and was hired on the open market at Q-580 in July 2017. Principal Kelly Johnson was then the principal of the school.
3. I believe I was the only one of my national origin and religion at my high school, Q-580, in Astoria, Queens, New York.
4. Kelly Johnson was the principal of the Q-580 school, and is African-American or black. Upon information and belief, she left the school in 2022.
5. I was reassigned from my duties at the Q-580 school on or about June 25, 2019.
6. After being reassigned from my duties I began suffering from anxiety and depression.
7. On February 28, 2020, I received an email from the NYC Special Commissioner of Investigation informing me that an unknown investigation against me was closed.
8. On March 12, 2020, I received a letter from the DOE's Office of Personnel Investigation (OPI) directing me to return to school on March 23, 2020, and that I would be eligible for per session duties again. I informed Principal Johnson by email on March 22, 2020, confirming that I would be returning to school on March 23, 2020.
9. In response to my email, Principal Johnson responded to me by email attaching a March 17, 2020 letter, stating I was under investigation and would be reassigned again from her school.
10. Principal Kelly Johnson had been very hostile to me in the spring 2019 before I was reassigned, showing hostility to my race, accent, and religion. For example, Principal Johnson insulted my accent and knowledge of English during a conversation with her in a school hallway in May 2019. She even yelled at me directly on or June 19, 2019, that Indians are stupid when I filed a grievance against her.
11. Upon information and belief, Principal Johnson hired another math teacher in 2019 to replace me while I was reassigned from her school.
12. On July 20, 2020, I filed an original discrimination complaint with the New York State Division of Human Rights (SDHR) based on religious, race, and national origin discrimination against Principal Johnson for not reassigning me back to my duties.
13. After I filed the original SDHR complaint, I was retaliated against by being served Section 3020-a disciplinary charges with nine specifications from the NYCDOE on or about June 25, 2021, initiated by Principal Johnson.

14. A Section 3020-a hearing on these charges were held before a hearing officer over 6-7 zoom hearing dates in February and March 2022.
15. The stress of the 3020-a hearing exacerbated my depression leading me to have suicidal thoughts on March 11, 2022.
16. On April 13, 2022, I filed a complaint with the SDHR against Principal Johnson for retaliating against me for my previously filed SDHR complaint.
17. On August 6, 2022, I received a decision from the hearing officer refusing to terminate my employment and assessing me a three month suspension effective September 5, 2022.
18. I believe I have been discriminated against based on my race and religion by Principal Johnson, and retaliated against for filing an SDHR complaint against her with the service of 3020-a charges against her seeking termination of this employment.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall St, 5th Floor
New York, NY 10004
(929) 506-5270
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS (This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 11/02/2022

To: Dharmvir Gehlaut
103-65 104th Street
1st Floor
Ozone Park, NY 11417

Charge No: 16G-2022-02198

EEOC Representative and email: Holly Shabazz
S/L Program Manager
HOLLY.SHABAZZ@EEOC.GOV

DISMISSAL OF CHARGE

The EEOC is closing this charge because: Charging Party wishes to pursue matter in Federal District Court.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated your charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Timothy Riera
11/02/2022

Timothy Riera
Acting District Director

**Cc: NYC Department of Education
Attn: Office General Counsel
52 Chambers Street
Room 308
New York NY 10007**

Please retain this notice for your records.